

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL CIMINO	:	CIVIL ACTION
Plaintiff,	:	
	:	No. 14-3461
v.	:	
	:	
AS SEEN ON TV, INC.,	:	
STEVEN A. ROGAI,	:	
and RONALD C. PRUETT, JR.	:	
Defendants.	:	

ORDER

This 16th day of March, 2015, upon consideration of Defendants' Motion to Dismiss, Plaintiff's Response, Defendant's Reply, Plaintiff's Sur-Reply, and Defendant's Objection to Plaintiff's Sur-Reply, it is **ORDERED** as follows:

1. Count IV of Plaintiff's Complaint, alleging Breach of Contract and Covenant of Good Faith and Fair Dealing against ASTV is **NOT DISMISSED**.
2. Count V of Plaintiff's Complaint, alleging Tortious Interference with Contract against Defendant Pruett is **DISMISSED WITHOUT PREJUDICE**.
3. Count VI of Plaintiff's Complaint, alleging Violation of Section 10(b) and Rule 10b-5 against Defendant ASTV and Defendant Rogai is **DISMISSED WITH PREJUDICE**.

/s/ Gerald Austin McHugh
United States District Court Judge